

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRECKSVILLE LASER EYE CENTER,)	
)	CASE NO. 5:08CV02855
Plaintiff,)	
)	JUDGE: JUDGE SARA LIOI
v.)	MAGISTRATE JUDGE: LIMBERT
)	
DR. ROBERT C. BEVINGTON, et al.,)	
)	
Defendants.)	

STATUS REPORT

Plaintiff respectfully submits the following Status Report:

(1) Discovery

Thus far, Plaintiff has conducted the depositions of Defendant Beth Wilhelm-Kissinger and Dr. Robert Bevington. Plaintiff has also conducted the deposition of third party witnesses Dr. Charles Davis, Dr. Thomas Shaheen, David Ferguson, and a representative of PAK Computers.

Plaintiffs have conducted electronic discovery on the laptop owned by Defendant Beth Wilhelm-Kissinger and upon which Defendants caused to be downloaded the contents of a hard drive copied from Plaintiff's laptop. Plaintiff has propounded upon Defendant Wilhelm-Kissinger a request for production of an additional 80 gig hard drive upon which Plaintiff's laptop hard drive was copied. Defendant has objected to this request.

Defendants have conducted the deposition of Jeffrey Kissinger, President and CEO of Plaintiff Brecksville Laser Eye Center.

Defendant Wilhelm-Kissinger has produced over 1,500 pages of documents representing copies made by her from information obtained from Plaintiff's laptop hard drive.

Defendants have propounded paper discovery upon Plaintiff, to which Plaintiff has responded. Supplementation of Plaintiff's responses to Defendant Dr. Robert Bevington's Second Request for Production of Documents will occur upon agreement of a confidentiality order, a draft of which Plaintiff provided to Defendants on July 17, 2009.

(2) Settlement Discussions

No significant settlement discussions have occurred thus far in this case.

(3) Motions

The recent filing of a motion to intervene by Grange Mutual Insurance Company is the only motion pending at this time.

(4) Developments

There are currently a few outstanding discovery issues between the parties relating to the scope of Defendant Wilhelm-Kissinger's waiver of attorney-client privilege and Plaintiff's right to discovery of additional electronic copies made by Defendants of Plaintiff's laptop hard drive. In addition, Plaintiff seeks additional third party depositions relating to a marketing dinner in which Defendant Bevington participated. Thus, Plaintiff asserts the need for an additional sixty (60) days of discovery to resolve these issues and accomplish the depositions.

Respectfully submitted,

/s/ Susan Keating Anderson

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Center*

CERTIFICATE OF SERVICE

I certify that the foregoing *Status Report* has been filed this 29th day of July, 2009, through the Court's electronic filing system. All parties may access the foregoing via the Court's electronic filing system.

/s/ Susan Keating Anderson

Susan Keating Anderson